



HISTORIC LANDMARKS COMMISSION

AGENDA

ACTION MINUTES

December 7, 2016

Regular Session

6:30 p.m.

Wing Room 120

First Floor, City Hall Wing
200 East Santa Clara Street
San José, CA 95113

Commission Members

Edward Saum, Chair

Joshua Marcotte, Vice Chair

Melissa Daniels

Eric Hirst

Anthony Raynsford

Harry Freitas, Director

Department of Planning, Building & Code Enforcement

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Jennifer Provedor at 408-535-3505 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- *The Historic Landmarks Commission will take action on the item.*

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- *The Historic Landmarks Commission will comment on the referral item.*

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA

ORDER OF BUSINESS

ROLL CALL

Commissioner Marcotte absent

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

No Items

2. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time

No Items

3. PUBLIC HEARINGS

- a. [H16-042](#). Site Development Permit to allow the construction of a 24-story, 279 room hotel integrated with the existing Montgomery Hotel Historic Landmark Building on a 0.578 gross acre site at 211 South 1st Street in Council District: 3. CEQA: Initial Study to be submitted.

PROJECT MANAGER, REBECCA BUSTOS

Recommendation: Receive public comments and provide comments regarding the scope of the analysis of the proposed project, as required by the City Council Policy on the Preservation of Historic Landmarks.

The applicant's representative, Eric Schoennauer, was present and said he appreciated a good design that was supported by all. The applicant's lead designer presented the project with two new drawings that refined the design.

Andre Lutharo, with PAC SJ, objected to the proposal saying that they didn't move the Montgomery Building to be overpowered and gobbled up by a new tower. He felt that the scale of the new addition is too large and overpowers the smaller historic hotel.

Brian Grayson, With PAC SJ pointed out the significance of the "Montgomery Hotel" name, and encouraged the Commission to include "emphasis of the historic name" on the new hotel through restored signage or other visible means to let people know it was the Montgomery Hotel.

Commissioner Raynsford was unclear about the balcony issue. Commissioner Saum explained balconies were originally shown on plans and subsequently removed in response to feedback.

Commissioner Hirst asked how the skylights would look and was showed renderings of the atrium and skylights by the designer. He was also interested in bringing out the historical aspect of the Montgomery Hotel. The designer said he too was interested in that, and that lighting at night would draw attention to it.

Commissioner Hirst said that old postcards showed the name of the hotel on old signs and it would be good to have signage or other identification with the old name that didn't overpower the design.

Commissioner Marcotte had no questions.

Commissioner Saum indicated that many of his comments have already been mentioned. He was conscious of the effect to move the glass wall so that the corner of the historic building had as much presence as possible.

The public meeting was closed and the Commissioners' discussion focused on the scope of the Historic Report.

Commissioner Marcotte had no comments.

Commissioner Hirst asked about signage as mentioned earlier.

Commissioner Raynsford wanted the report to address issues of scale and shadowing, not just the size but also the effect of massing in the project area, and the scale of the architecture, its windows, cornices, balconies, etc., as they relate to human scale. It should also discuss the façade and other elements of the design, and how they are compatible with and include the historic building. The report should include an analysis of open and public spaces and access to these spaces. He would also like an analysis of sunlight and shading around the building and what effect the cantilever will have on the historic building.

Commissioner Saum would like the report to address the new building's impact on the historic building's cornice and the detail work along the cornices and the ability to remove the new construction later. It should also address how the new glazing would affect the historic building so that it has minimal impact. He wanted the report to address the visibility of the new building and the relationship to the old building.

He indicated that the report should also include an analysis of how the previous move of the Montgomery building has compromised the building's historic significance, and the cumulative effect of that move plus the new project. He was also interested in the structural implications to the old building of the construction activities of the new building, and what kind of construction monitoring will be employed. He noted even seismic upgrades can damage old buildings.

He asked whether there will be a way to bring the old building up to code without negative effects so that there is no loss to the landmark. He was also interested in the amount of natural lighting in the atrium. He would like the report to address the issue of the primacy of the landmark versus the new building from the street with its corner prominence. He suggested that providing a larger front setback for the new building and lightening the entrance canopy would help maintain the historic "corner" perspective of the older building. The importance of history of the project is an aspect that presents an opportunity to inform the nature of the historic building to the public and make it noteworthy in graphics or exhibits.

Commissioner Raynsford wanted the report to address the issue of materials, texture, color of the new building and their compatibility to the historic building. He also noted he was glad that the original design had been revised and the scoping and the back and forth between applicant and staff shows they are listening, which sets a good precedent.

b. **Certified Local Government Report for 2015-2016**

Recommendation: Accept the Certified Local Government Report

Staff presented Certified Local Government (CLG) Report. Commissioner Saum was curious about the background about pulling back on individual evaluations. Staff explained why that was recommended.

Commissioner Raynsford asked about a survey of buildings on SJ State, and staff explained that the SJS campus is controlled by the state not City of San Jose

PAC SJ requested the CLG report be sent to City Council, and Commissioner Saum would like City Council, the Planning Director and the Planning Commissioners to get a copy too.

4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

5. OPEN FORUM

- a. Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Larry Ames spoke about efforts to get a National Heritage Area adopted by Congress for the greater San Jose area. The application will be sent to the National Parks Service next year. He also reported on his efforts to get the Willow Glen Trestle listed on the National Register and the California Register, in spite of City opposition to the listing. He provided the Commission with a copy of his letter to the City Clerk (dated November 28, 2016), and the City Manager's earlier 8-page letter of response regarding this issue. He asked the Commissioners if they would like to weigh in on the issue. Commissioner Saum asked whether it should be put on a future agenda. Staff recommended that the Commissioners review the latest correspondence from Larry and then discuss at the next meeting.

6. GOOD AND WELFARE

a. Report from Secretary, Planning Commission, and City Council

1. Past Agenda Items:

- i. **HP15-003 and SP15-004 for the Lady of La Vang Church on St. Patrick's School site was approved by the Planning Director on 11/9/16.**
- ii. **Gateway Towers (HP15-003 and H15-047) is scheduled for Planning Director hearing on 12/7/16.**
- iii. **Staff indicated that the City Clerk had recently received a letter from the Friends of the Willow Glen Trestle, indicating that they have submitted an application to nominate the Willow Glen Trestle for listing on the California Register of Historic Places. Staff indicated that the HLC has already provided their comments regarding the Willow Glen Trestle to the City Council and the CC disagreed with the HLC.**

2. Future Agenda Items

Staff indicated that the HLC will not have a meeting in January so the next meeting will be on February 1st. The February agenda is not complete yet, however, the items that may be on the agenda include: The Greyhound Bus Station and possibly the Smith House on San Felipe Rd. (previously reviewed by the HLC).

The proposed Greyhound Bus Station Project: The property is bounded by South Almaden Ave, West San Fernando, South San Pedro Street and Post Street. Special Use Permit File No. SP16-021 would allow the construction of 781 residential units with 20,000 square feet of ground floor retail in to (2) high rise towers of 23 and 24 stories.

3. Summary of communications received by the Historic Landmarks Commission

Staff updated the Commission on the Levitt Pavilion and St. James Park Design Competition indicating that the firm of CMG Landscape Architects was selected as the finalist for the Levitt Pavilion and St. James Park Design Competition, however, the decision has been protested by one of the competing design groups, and the City will not make a final decision until the protest is resolved.

[Finalist Design #2: CMG Landscape Architecture](#)

b. Report from Committees

1. Design Review Subcommittee (Saum and Jones)
Meets the 3rd Wednesday of the month as necessary

There was no report since there was no Design Review Committee meeting in December.

c. Approval of Action Minutes

The Commissioners approved the minutes from the last HLC meeting on December 2, 2016.

d. Status of Circulating Environmental Documents: Negative Declarations

ADJOURNMENT

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.